

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

DELIA ANN HILL,

Defendant and Appellant.

E049739

(Super.Ct.Nos. RIF140297 &
RIF147278)

OPINION

APPEAL from the Superior Court of Riverside County. Edward D. Webster,
Judge. Affirmed.

Christopher Nalls, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Delia Ann Hill appeals from a guilty plea in a
consolidated action based on case Nos. RIF140297 and RIF147278. Both of these
actions were consolidated under case No. RIF140297. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

A transcript from the preliminary hearing in case No. RIF140297 indicates defendant attempted to remove a shopping cart with \$423.57 worth of goods in it from a Target store on November 12, 2007, but was stopped and detained by a loss prevention agent. Defendant was charged by information with grand theft. (Pen. Code, § 487, subd. (a).)¹ Four prior offenses were alleged within the meaning of section 667.5, subdivision (b).

While defendant was released on bail in case No. RIF140297, a complaint was filed against her in case No. RIF147278, alleging she committed the following offenses on August 19, 2008: count 1, second degree burglary of a Fiesta Food Warehouse (§ 459); count 2, forgery (§ 470, subd. (b)); and count 3, petty theft of an Internal Revenue Service (IRS) check with a prior theft offense (§§ 484, 666). Five prior offenses were alleged within the meaning of section 667.5, subdivision (b). A declaration in support of an arrest warrant indicated defendant presented a forged identification at Fiesta Food Warehouse and attempted to cash an IRS check made out to someone else.

On April 16, 2009, the court granted a motion by the People to consolidate the two cases under case No. RIF140297. The People then filed a second amended information combining all of the charges and prior conviction allegations.

On June 15, 2009, the People filed the third and final amended information with the following seven counts: count 1, grand theft (§ 487, subd. (a)); count 2, petty theft

¹ All further statutory references are to the Penal Code.

with a prior (§§ 484, 666); count 3, second degree burglary (§ 459); count 4, forgery (§ 470, subd. (b)); count 5, falsely passing an IRS check (§ 470, subd. (d)); count 6, displaying a forged identification card (§ 470b); and count 7, unlawfully obtaining identifying information (§ 530.5, subd. (a)). It was further alleged defendant committed counts 3 through 7 while out on bail on another offense. (§ 12022.1.) Four prior prison terms within the meaning of section 667.5, subdivision (b), were realleged, but a fifth prior was deleted.

Pursuant to a written plea agreement, defendant pled guilty on July 23, 2009, to count 3, second degree burglary, and count 7, unlawfully obtaining identifying information. She admitted two of the four prior prison terms. The court accepted the plea based on factual admissions made on the record. All remaining counts and allegations were dismissed and stricken in accordance with the plea agreement.

On September 29, 2009, the court followed the plea agreement by sentencing defendant to a total of four years eight months in state prison. To reach the total term, the court imposed the middle term of two years on count 7. On count 3, the court imposed eight months (i.e., one-third the middle term) to be served consecutively to the term on count 7. The court then added two consecutive one-year terms for the prior prison term enhancements.

DISCUSSION

On November 25, 2009, defendant filed a notice of appeal indicating she wished to challenge “the sentence or other matters occurring after the plea” and “the validity of the plea or admission.” She also requested a certificate of probable cause, which was

denied by the trial court on December 4, 2009. We appointed counsel to represent defendant on appeal. Appointed counsel on appeal has filed a brief under *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth the facts and procedural history, raising no specific issues, and requesting this court to conduct an independent review of the record. On April 27, 2010, we offered defendant an opportunity to file a personal supplemental brief, which she failed to do. We have now concluded our independent review of the record and find no arguable issues.

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

RAMIREZ
P. J.

We concur:

HOLLENHORST
J.

RICHLI
J.